IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 15078 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

ANIRUDDH R RAWAL

Versus

GUJARAT AYURVED VIKAS MANDAL AND OTHERS

==========

Appearance :
MR AK CLERK for Petitioner No(s).: 1.
MR RAMESHCHANDRA S.ACHARYA, for the Respondents

==========

CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 23/08/2005

ORAL JUDGMENT

Rule. Mr.Rameshchandra S.Acharya, General Manager, Gujarat Ayurved Vikas Mandal is present before the Court and he waives service of notice of rule on behalf of respondents.

With the consent of the parties, the matter is disposed of today.

By filing this petition, the petitioner has challenged the order of deputation by which he is sent on deputation to Government Ayurvedic Hospital, Idar.

The petitioner has challenged the said decision by filing this petition on the ground that without his consent he cannot be sent to deputation and that he is not willing to go on deputation and that he would lime to remain in his original/parent department.

In response to the notice of this Court, Government Ayurved Vikas Mandal has filed affidavit in reply. In paragraph No.13 of the reply it is stated as under:

> “13. The respondent No.1, 2 & 3 state that if the petitioner does not want to go on deputation at Idar than he will be absorbed in original place where he is serving till today and when the post of a typist falls vacant than he will be appointed at Government Ayurvedic Hospital, Bhadra, Ahmedabad.”

On behalf of the respondents, Mr.Acharya submitted that if the petitioner is not willing to go on deputation, he will be continued at his original post in the department.

Considering the aforesaid aspect of the matter and in view of the consent given on behalf of the respondents, this petition is allowed and the impugned order of deputation at Annexures – A

and B are quashed and set aside and it is held that the petitioner cannot be sent on deputation without his consent and he should be allowed to continue on his original post in the parent department in view of the averment made in paragraph No.13 of the affidavit in reply.

The petition is allowed. Rule is made absolute to the aforesaid extent with no order as to costs.

(P.B.MAJMUDAR, J.)

*Shitole